

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC GARCIA,

Plaintiff

Case No. 2:23-cv-01023-APG-DJA

ORDER

v.

DR. REESE, *et al.*,

Defendants

I. DISCUSSION

In response to this Court's earlier order, Plaintiff Eric Garcia, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), filed an application to proceed *in forma pauperis*. (ECF Nos. 4, 6). However, Plaintiff's application to proceed *in forma pauperis* is incomplete. (ECF No. 6). Plaintiff has not submitted an application to proceed *in forma pauperis* with a signed penalty of perjury page (page 3 of the application), a completed financial certificate, and a copy of Plaintiff's inmate trust fund account statement. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by October 13, 2023**.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**

1 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.
2 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
3 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
4 See 28 U.S.C. § 1915(b).

5 **II. CONCLUSION**

6 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No.
7 6) is denied without prejudice.

8 It is further ordered that Plaintiff has **until October 13, 2023**, to either pay the full
9 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with
10 all three required documents: (1) a completed application with the inmate's two signatures
11 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
12 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
13 previous six-month period.

14 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
15 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
16 to refile the case with the Court, under a new case number, when Plaintiff can file a
17 complete application to proceed *in forma pauperis* or pay the required filing fee.

18 The Clerk of the Court is directed to send Plaintiff the approved form application to
19 proceed *in forma pauperis* for an inmate and instructions for the same.

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21 DATED: 9/12/2023

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24 _____
25 UNITED STATES MAGISTRATE JUDGE
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